



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

February 6, 2004

Mr. Thomas V. Skinner, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3590

Dear Mr. Skinner:

The Michigan Department of Environmental Quality (MDEQ) has reviewed your letter of December 3, 2003, which identifies the counties in Michigan that the United States Environmental Protection Agency (EPA) believes should be included in each nonattainment area for the 8-hour ozone national ambient air quality standard. We note that the EPA intends to make many modifications to Michigan's recommended nonattainment areas. We are in agreement with some of the listed modifications and have serious concerns with others.

Michigan's recommendations, submitted on July 15, 2003, were based on the air quality monitoring data averaged over the period from 2000-2002, as required by the EPA. We acknowledge that actual designations will not be based on that data set, but will instead be based on data from 2001-2003. The more recent data indicates that the cities of Grand Rapids, Lansing, Kalamazoo, and Flint, and Huron County are no longer meeting the 8-hour ozone standard. Therefore, it is appropriate to add Kent, Kalamazoo, Calhoun, Ingham, Eaton, Clinton, Genesee, Lapeer, and Huron Counties to the list of nonattainment counties.

We disagree with the EPA's intended modification to group ten counties in Southeast Michigan into a single nonattainment area. In accordance with the EPA's guidance, an 11-factor analysis on appropriate boundaries for nonattainment areas was submitted to the EPA with our July 15, 2003, recommendations. This analysis supports our recommendation to designate separate Southeast Michigan, Flint, and Lenawee County nonattainment areas. Our analysis considered contribution, geopolitical boundaries, expected air quality impacts from regional and national measures, as well as the other criteria. Our recommendation remains that three separate nonattainment areas are appropriate.

One nonattainment area for Southeast Michigan, comprised of the counties of Wayne, Oakland, Macomb, Monroe, Washtenaw, Livingston, and St. Clair, the same geographic area that is the attainment/maintenance area for the 1-hour ozone standard, should be established. Now that the two monitors in Genesee County are violating the standard, there should be a separate Flint nonattainment area, comprised of Genesee and Lapeer

Counties. This area should not be combined with the Southeast Michigan nonattainment area. It does not contribute significantly to high ozone levels measured at monitors in the Southeast Michigan area due to prevailing winds.

Additionally, Lenawee County should also be designated as a separate nonattainment area. This county does not contribute significantly to the monitors in Southeast Michigan violating the standard. Lenawee County has relatively low emissions and population density, and with a design value of 0.087 parts per million (ppm), should reach attainment through regional measures already adopted.

There is no mandate in the federal Clean Air Act (CAA) to use Consolidated Metropolitan Statistical Areas (CMSA) as the presumptive boundaries for areas that will be classified as moderate or marginal. Designating separate nonattainment areas does not preclude regional air quality planning, and Michigan is not prevented by state law from implementing control measures outside of nonattainment areas. We expect negligible additional air quality benefit in the region with the proposed single large nonattainment area as opposed to the recommended three nonattainment areas. The EPA's modification would result in negative economic penalties that are not scientifically justified. Further, modeling conducted thus far indicates that ozone concentrations are likely to worsen in the Detroit urban area after nitrogen oxides (NO_x) reductions occur in 2004 due to the NO_x disbenefit effect. At the same time, ozone concentrations are likely to decrease in Genesee, Lapeer, and Lenawee Counties. Accordingly, these different communities will need to approach air quality planning with different solutions. Given the differences in meteorology, emission characterization, transportation characteristics, and geopolitical boundaries, the development of plans to achieve attainment in these areas should be different. It would be inappropriate to develop one attainment plan for three different areas based simply on CMSA boundaries, which are based on United States Census Bureau policy unrelated to environmental issues. The requirement to use the presumptive CMSA boundary is explicitly absent for marginal and moderate classifications in the CAA.

We also continue to recommend the designation of separate nonattainment areas in West Michigan. We recommend that the Grand Rapids nonattainment area include Kent and Ottawa Counties consistent with the 1-hour ozone attainment/maintenance area. Muskegon County should be a separate nonattainment area, and Allegan County should also be a separate nonattainment area. The designation of three nonattainment areas will add needed flexibility to deal with the complex challenges this region faces in regulatory mandates and attainment deadlines due to the overwhelming ozone transport impacting the shoreline counties. In addition, these three areas have separate metropolitan planning organizations.

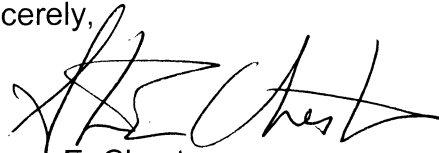
The monitor in Kalamazoo County is measuring nonattainment levels of ozone with the 2001-2003 data. The monitor is the only one in the Kalamazoo, Calhoun, and Van Buren Counties and has a design value of 0.086 ppm. Van Buren is an outlying county included in the Kalamazoo Metropolitan Statistical Area. We recommend that Van Buren County be designated attainment. This lakeshore county is not densely

populated and generates relatively few ozone producing emissions. Van Buren County does not contribute significantly to ozone levels there or in downwind areas (see Attachment A).

Final 2003 monitoring data has been submitted to the Air Quality System. The 8-hour and 1-hour ozone design values and the average expected 1-hour exceedance rate have been submitted to EPA Region V. Michigan's revised recommendations for nonattainment designations, based on 2001-2003 data and our 11-factor analysis, are summarized in Attachment B.

Thank you for your consideration of our revised recommendations. Please contact me or Mr. G. Vinson Hellwig, Chief, Air Quality Division, at 517-373-7069 to discuss these revised recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "S.E. Chester", written over a horizontal line.

Steven E. Chester
Director
517-373-7917

Attachments

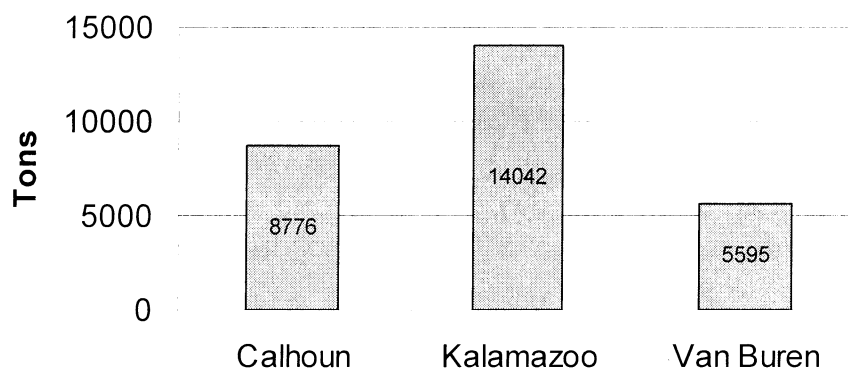
cc/att: Governor Jennifer M. Granholm
Mr. Jim Sygo, Deputy Director, MDEQ
Mr. G. Vinson Hellwig, MDEQ

Attachment A

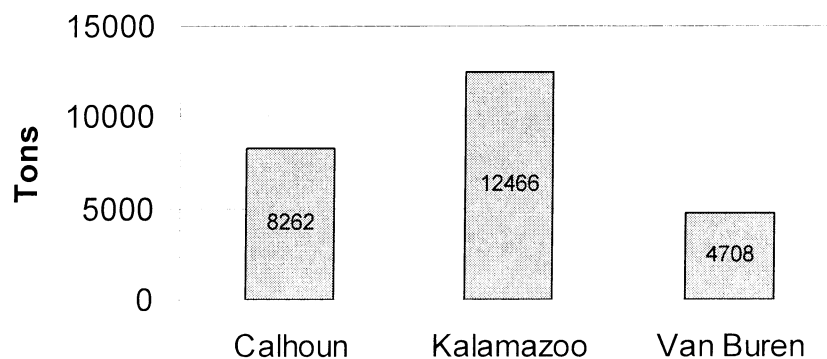
2000 County Population Estimates U.S. Census Bureau

Calhoun	137,985
Kalamazoo	238,603
Van Buren	76,263

1999 VOC Emissions for Calhoun, Kalamazoo, and Van Buren Counties



1999 NOx Emissions for Calhoun, Kalamazoo, and Van Buren Counties



Attachment B

**Revised Nonattainment Area Recommendation
for 8-hour Ozone Standard
February 6, 2004**

Area	Nonattainment based on 2001-2003 Data (Counties)	Design Value (ppm)
Allegan	Allegan	0.097
Benzie	Benzie	0.088
Berrien	Berrien	0.091
Cass	Cass	0.093
Flint	Genesee Lapeer	0.090
Grand Rapids	Kent Ottawa	0.089
Huron	Huron	0.087
Kalamazoo	Kalamazoo Calhoun	0.086
Lansing	Ingham Clinton Eaton	0.086
Lenawee	Lenawee	0.087
Mason	Mason	0.089
Muskegon	Muskegon	0.095
Southeast Michigan	Livingston Macomb Monroe Oakland St. Clair Washtenaw Wayne	0.095